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FOURTH PROGRESS REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS TRANSITIONAL AUTHORITY IN CAMBODIA

INTRODUCTION

1. By paragraph 10 of its resolution 745 (1992), the Security Council requested the Secretary-General to report to the Council at stated intervals on progress made in the implementation of the resolution and on tasks still to be performed in the operation, with particular regard to the most effective and efficient use of resources. In accordance with this provision and in response to subsequent resolutions and to developments in Cambodia, I have submitted three progress reports as well as other reports on 1 May (S/23870 and Corr. 1 and 2), 12 June (S/24090), 14 July (S/24286), 21 September (S/24578) and 15 November 1992 (S/24800) and 25 January (S/25124) and 13 February 1993 (S/25289).

2. The present report is in compliance with the Council's request in resolution 745 (1992) for a fourth progress report in April 1993. It also reports, in response to a further request in resolution 810 (1993), on the implementation of that resolution and on measures to ensure the realization of the fundamental objectives of the Paris Agreements of 23 October 1991 (see S/23177, annex). It describes the activities of the United Nations Transitional Authority in Cambodia (UNTAC) up to 3 May 1993.

3. By paragraph 6 of resolution 810 (1993), the Security Council requested the Secretary-General to inform the Council by 15 May 1993 of the conditions and preparations for the election. While that additional report will be devoted to that matter, and to the broader question of the creation and maintenance of acceptable conditions for a free and fair election, the present report also contains the latest information relating to the organization and conduct of the elections.

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I. IMPLEMENTATION OF RESOLUTION 745 (1992)

A. General

4. The main obstacle to the implementation of UNTAC's mandate since its establishment in Cambodia on 15 March 1992 has been the refusal of one of the parties, the Party of Democratic Kampuchea (PDK), to meet the obligations it assumed in signing the Paris Peace Agreements. That Party has neither demobilized its armed forces, nor has it granted UNTAC personnel access to the zones it controls in the thinly populated north and west of the country. To the contrary, in violation of the cease-fire it has sought to extend the territory it controls and has blown up bridges and carried out other military operations. On many occasions its units in the field have temporarily detained United Nations military observers and other UNTAC personnel, all of whom were, however, released unharmed after negotiation. PDK Radio has launched increasingly vitriolic attacks on UNTAC and its senior officials and has directed violent propaganda against Vietnamese-speaking persons living in Cambodia. Members of the National Army of Democratic Kampuchea (NADK), the armed forces of PDK, have been implicated in massacres of Vietnamese-speaking persons. Since the latter part of March 1993 members of UNTAC have been the subject of several attacks, many of them in circumstances that strongly indicate the involvement of PDK.

5. In response to what it described as encroachment by the NADK, the military force of the Party of the State of Cambodia (SOC), the Cambodian People's Armed Forces (CPAF), have launched attacks on NADK, which in UNTAC's view also constitute violations of the cease-fire. Furthermore, since political parties contesting the election for a constituent assembly began opening offices last September in the SOC-controlled zone, which comprises some 80 per cent of the country, SOC has been blamed for organizing or condoning violent attacks on the personnel and offices of those parties. Most of those attacks, which reached a peak last December, have been directed at the Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif (FUNCINPEC) and, to a lesser extent, at the Khmer People's National Liberation Front (KPNLF), the other two Cambodian factions which signed the Paris Agreements. Despite the responsibility of the existing administrative structures to maintain law and order in their respective zones, SOC has so far made only a handful of arrests in any of these cases.

6. As a result of these developments, UNTAC has been obliged, with the approval of the Security Council, to modify its activities in implementation of the Paris Agreements, especially the deployment and the tasks of its Military Component. These modifications have been described in detail in earlier reports listed above. As reported earlier, PDK's non-cooperation made it necessary for UNTAC to suspend the cantonment of the armed forces of the three other factions, after some 55,000 troops had been disarmed under UNTAC supervision, and the Military Component, in close cooperation with the Civilian Police and other components of UNTAC, has redirected its efforts to ensuring the security of the electoral process and the safety of the Cambodian political parties and of UNTAC staff under conditions of instability which are not in consonance with the original implementation plan. Thus, the UNTAC Military Component was redeployed to provide security for the voter registration teams, while the Civilian Police Component mounted static guard and mobile patrols around political party offices considered to be at risk.

7. Given the distortions that have arisen in the implementation of the peace plan, UNTAC has endeavoured to create and maintain the best possible conditions for the holding of free and fair elections starting on 23 May 1993. The measures described above led to a marked reduction between December 1992 and March 1993 in the levels of politically motivated violence, though subtler and non-violent forms of intimidation continued. However, an upsurge in violence directed against ethnic minorities during the month of March triggered a migration of thousands of Vietnamese-speaking persons seeking greater safety from such attacks.

8. On 7 and 8 April 1993 I paid my second visit in a year to UNTAC at the start of the six-week electoral campaign. In an address to His Royal Highness Prince Sihanouk, President of the Supreme National Council (SNC), and the members of the SNC, I reminded them of their responsibilities under the Paris Agreements and stressed that they must do their utmost to help themselves and to help UNTAC. I also stated that, bearing in mind the measures UNTAC had taken since December to improve the security situation, it was my judgement, with all due caution, that the basic acceptable conditions for the conduct of an electoral campaign did exist. However, the situation in Cambodia still gives grounds for serious concern and UNTAC will be scrutinizing developments with great care and attention until the end of the election itself in order to ensure that those conditions are closely monitored and improved as far as possible. It is encouraging that, so far, despite an atmosphere of tension, electoral campaigning is being conducted peacefully with the participation of tens of thousands of Cambodians.

B. Relations with the Supreme National Council

9. The meeting of the Supreme National Council held at Beijing on 28 January 1993 was described in my report of 13 February 1993 on the implementation of Security Council resolution 792 (1992) (S/25289, paras. 3-6). Since then, SNC has held three plenary meetings (on 10 February and 4 and 10 April 1993) under the chairmanship of Prince Sihanouk and four working sessions (on 9 and 20 March and 21 and 29 April 1993) under the chairmanship of my Special Representative, Mr. Yasushi Akashi, in the absence from Phnom Penh of Prince Sihanouk. The meetings dealt with recent developments, including military developments in Cambodia, the creation and maintenance of a neutral political environment, the implementation of the SNC moratoriums on the export of timber and gems, the work of various technical advisory committees (TACs), constitutional principles and other matters. Further details can be found under the relevant sections below.

10. On 4 April 1993, Mr. Khieu Samphan, President of PDK, formally announced to SNC that his party would not be participating in the elections, asserting that "Vietnamese forces of aggression" continued to occupy Cambodia and that a neutral political environment did not exist.

11. On 7 April 1993, Mr. Hun Sen, "Prime Minister" of the Phnom Penh authorities, wrote to me requesting that he and the Security Council take measures together with the existing administrative structures to ensure that the elections could proceed in a neutral political environment and with sufficient security. The accompanying memorandum accused PDK of serious violations of

human rights and of the Paris Agreements and requested authorization to take the necessary means in cooperation with UNTAC to prevent PDK from taking further advantage of the situation, to safeguard the electoral process and "to protect the elected government and the Cambodian people from a second genocide".

12. In a letter dated 3 April 1993, Prince Sihanouk informed my Special Representative that he would resign from the Presidency of SNC on 28 May 1993, after the election. At our meeting on 7 April, I strongly urged the Prince to reconsider, saying that Cambodia needed his leadership before, during and after the election. He thereupon agreed to continue to serve as President of SNC throughout the transitional period.

13. On 13 April 1993 Mr. Khieu Samphan wrote to Prince Sihanouk to announce that he could no longer attend the Supreme National Council in Phnom Penh because there was insufficient security and that PDK was withdrawing "temporarily" from Phnom Penh. The following day, my Special Representative wrote to Mr. Khieu Samphan offering to provide him with UNTAC security, but this offer was declined.

C. Human Rights Component

14. Despite the various activities of the Human Rights Component described in earlier reports, notably my third progress report (S/25124), the human rights situation in Cambodia continues to give rise to deep concern. The persistence of politically and ethnically motivated attacks is obviously a serious threat to the protection of human rights as well as to the creation and maintenance of a neutral political environment. This issue is treated under section K below.

15. The development and dissemination of a human rights education programme was accelerated during the period under review, with particular reference to teacher training, dissemination of relevant international instruments, education of health professionals, training of public and political officials and support for local human rights organizations.

16. Teams of human rights trainers travelled to Kompong Som, Banteay Meanchey, Kompong Chhnang, Kratie, Ratanakiri, Pursat, Kompong Speu, Prey Veng, Kompong Thom, Battambang, Koh Kong and Stung Treng for week-long courses for the following audiences: representatives of political parties, members of human rights associations, teacher trainees and justice officials. Another team was deployed in Phnom Penh and Kompong Thom to teach courses in teacher training colleges. In consultation with the officials of the health administration of the party of the State of Cambodia, a new course was begun on human rights for students in the Medical Faculty, complementing the course taught last year at the Law School.

17. A special course was conducted for human rights advocates. Several training activities were organized for the human rights associations, including a training programme on United Nations human rights procedures and a special training programme in Phnom Penh dealing with human rights issues in the electoral process.

18. Considerable human rights education activity was carried out by the provincial human rights officers and their training assistants. Such courses have been addressed to commune leaders, district electoral supervisors, teachers, women's associations, monks, soldiers, police, political parties and human rights associations. The number of persons reached by these courses range in the thousands in Banteay Meanchey, Kampot, Kandal, Koh Kong and Pursat, and in the hundreds in Kompong Cham, Kompong Chhnang, Kompong Som, Kompong Speu, Siem Reap and Stung Treng, Svay Rieng and Takeo.

19. Educational materials, posters, leaflets, stickers and other printed materials prepared in previous reporting periods were reproduced for further dissemination. In addition, a 400-page compilation of human rights instruments applicable in Cambodia was printed in 10,000 copies for wide dissemination among educators and practitioners.

20. On another front, the United Nations Commission on Human Rights adopted a resolution at its spring session at Geneva providing for the first time for the operational involvement of the Centre for Human Rights in Cambodia in the post-UNTAC period, thus providing an important support mechanism for the Cambodian human rights organizations. The resolution also requests the Secretary-General to appoint a special representative on human rights in Cambodia. However, no specific reference was made to article 17 of the Paris Agreements, which calls on the Commission on Human Rights to continue to monitor closely the human rights situation in Cambodia including, if necessary, by the appointment of a Special Rapporteur who would report to the Commission and to the General Assembly.

D. Electoral Component

21. Following completion of voter registration, including the registration of returning refugees, and the compilation of the computerized voters' list, the number of registered voters has now been set at nearly 4.7 million, or some 96 per cent of the estimated eligible population. All 20 political parties which had provisionally registered (S/25124, para. 30) have now officially registered to take part in the election. The Party of Democratic Kampuchea is not among them.

22. In my report on the implementation of resolution 792 (1992) (S/25289, para. 34), I stated that it was expected that polling would take place from 23 to 27 May 1993, including three days of voting in static polling stations and a further two days in mobile stations. Following further intensive study, UNTAC has concluded that the reorganization of staff from static to mobile teams will itself require a full day. Polling therefore will be extended to 28 May.

23. Since the last report (S/25289) was issued, my Special Representative has promulgated a number of minor revisions to the original Electoral Law in order to respond to security or other considerations as they have arisen or been anticipated. These revisions include a ban on public meetings before the election campaign officially opened on 7 April, a ban on public opinion polls, which, it was considered, might have an intimidatory effect, a ban on the placing of party seals on ballot boxes at the time of polling, and revised provisions for the removal of names from the lists of candidates.

24. On 11 March 1993, my Special Representative met with the leaders of the 20 political parties registered to take part in the election. Saying that he considered them the stewards and guardians of democracy in Cambodia, he informed them of their rights and responsibilities as party leaders under the Electoral Law.

25. In my third progress report (S/25124, paras. 33-34), I described the strong pressure from FUNCINPEC and the KPNLF for revisions of the Electoral Law to extend the franchise to the so-called Khmer Krom residents in Cambodia and to allow overseas Cambodians to register outside Cambodia as well as the reasons for which I decided that, unless the Security Council decided otherwise, these two proposed revisions should not be approved. My Special Representative therefore also took the opportunity to stress to the political party leaders that UNTAC rejected in advance arguments by some of the Cambodian parties aimed at providing grounds for refusing to accept the election results, alleging that the results of the election might have been different if these proposed revisions had been accepted. My Special Representative also rejected allegations that many "Vietnamese" had registered to vote. The registration process was scrutinized by representatives of the political parties with the right to challenge registrants whom they deemed to be unqualified. Challenges were issued in respect of only a fraction of 1 per cent of registrants, and none has been confirmed by the evidence. A further change to the law permitted the establishment of polling stations in the United States, France and Australia in order to accommodate Cambodians living overseas, though the law also required that those individuals come to Cambodia to register to vote. Arrangements are being made for these overseas polling stations to be located in Paris, New York and Sydney.

26. On the basis of the number of registered voters, the 120 seats for the Constituent Assembly have been allocated to the 21 provinces and the Phnom Penh special district as follows:

Allocation of seats by province

Banteay Meanchey	6
Battambang	8
Kompong Cham	18
Kompong Chhnang	4
Kompong Speu	6
Kompong Thom	6
Kompot	6
Kandal	11
Koh Kong	1
Kratie	3
Mondolkiri	1
Phnom Penh	12
Preah Vihear	1
Prey Veng	11
Pursat	4
Ratanak Kiri	1
Siem Reap	6
Sihanoukville	1
Stung Treng	1
Svay Rieng	5
Takeo	8
TOTAL	120

27. All 20 political parties contesting the election have submitted their list of candidates. The lists for 3 of the parties were published on 13 April and the lists for 13 more on 22 April 1993. The lists for the remaining four parties, which are being held back at their request, will be published before the election.

28. Preparations for the conduct of the election are now well under way. The necessary equipment and supplies, including the ballot papers and boxes, are already in Cambodia and delivery schedules have been established to ensure that all the necessary materials will be in place before the opening of polling. The selection of more than 50,000 Cambodian electoral staff has been completed, and their recruitment and subsequent training has been programmed so that they can take up their duties when polling begins. The number of polling stations, originally envisaged to be about 1,400, has been reviewed in the light of the security situation, but is likely to remain about the same. Some of the polling stations were to be divided into two sites, close to each other; and the number of secondary sites may be somewhat reduced. Polling stations are divided into large, medium or small static stations - consisting of eight, six and three polling teams respectively - as well as mobile stations. Each polling station will have a Cambodian Presiding Officer in charge and one international polling station officer to provide support and assist the Presiding Officer. Polling will begin at static stations in the more populated areas during the first three days of the polling period so that the maximum number of votes will be cast during this period to create a momentum.

29. Plans have also been made for the recruitment of approximately 1,000 international polling station officers from more than 30 countries, who should be arriving in Cambodia in May for training in the United Nations Electoral Law before reporting for duty at polling stations throughout the country. Eleven countries were requested to provide a total of 50 fingerprint and 5 handwriting experts to check the tendered ballots, i.e., those cast by voters who had lost their cards, had them illegally confiscated or who were voting in a province other than that in which they had registered. Responses to this request have been slow. It is hoped that Governments will be able to provide UNTAC with this important capability.

30. UNTAC also has encouraged the Cambodian parties to examine constitutional principles and different forms of constitutions that the members of the constituent assembly may wish to consider. The question of constitutional principles was first placed on the agenda of SNC in September 1992 and has since been discussed at regular intervals. In November 1992 UNTAC sponsored a seminar for party representatives of the Technical Advisory Committee on constitutional principles, and in January 1993 international experts were invited to assist in discussions on the matter. A further six-day constitutional seminar took place from 29 March to 3 April 1993, concentrating on four main features: constitutions and conflicts; Cambodia's constitutional history; crucial issues facing the Constituent Assembly; and developing procedures for debate. The meeting was attended by members of SNC and its secretariat, all political parties registered to contest the election, selected non-governmental organizations, the main United Nations agencies operating in Cambodia and international experts.

31. The killing in Kompong Thom Province on 8 April 1993 of a district electoral supervisor, a Japanese national and a Cambodian interpreter has raised concern about security. The 465 United Nations Volunteers who serve as district electoral supervisors, deployed throughout the country, have played a vital role in the training of Cambodian electoral staff and in the programme of civic education about the election in the countryside as well as in convincing the electorate that their vote will be secret. Following the incident of 8 April, UNTAC has instituted emergency provisional arrangements to improve security. All United Nations Volunteers, including district electoral supervisors, in 10 central and western provinces considered to present security risks were instructed to withdraw from the countryside and not to travel without an armed escort until further notice. Those district electoral supervisors have been brought back to Phnom Penh for extensive debriefing while an inter-component security plan utilizing armed escorts and ready reaction forces is refined. Some 40 United Nations Volunteers have decided to leave their post, but most have indicated their intention to stay. A proposal to allow UNTAC Civilian Police members to carry weapons was carefully considered, but my Special Representative, on the recommendation of the UNTAC Police Commissioner, has decided not to do so at this time.

32. At the same time, as already noted, since the election campaign began on 7 April, scores of public meetings and rallies have taken place without incident throughout Cambodia with the participation of all parties.

E. Military Component

1. Cease-fire violations

33. The military situation in Cambodia continues to be marked by persistent, but low-intensity and small-scale, violations of the cease-fire, particularly in the central and western parts of the country. As noted in earlier reports, these usually take the form of clashes or exchanges of fire between the armed forces of PDK and SOC. These clashes, however, have not been sustained for more than a few days at a time.

34. However, security problems arise also from the spread of acts of banditry, usually perpetrated by former soldiers or serving troops who have not been adequately paid or paid at all, which contribute to a sense of insecurity in the countryside.

35. One of the most serious violations of the cease-fire occurred on 3 May 1993. In the early morning hours of that day, groups of armed men, allegedly belonging to NADK, attacked the town of Siem Reap in the Siem Reap Province from several directions using rocket launchers, small arms and grenades. They attacked a CPAF garrison as well as the Siem Reap airport and ransacked buildings belonging to UNTAC and to the local civilian population. The airport suffered no damage. CPAF police and military reinforcements countered the attack and the attackers withdrew from the town. UNTAC suffered no casualties, but casualties were reported among the civilian population as well as among the attackers.

2. Redeployment of the Military Component

36. In my report on the implementation of Security Council resolution 792 (1992) (S/25289, para. 11), I stated that the disposition of the Military Component for the protection of the election would be discussed in more detail in the fourth progress report.

37. The Component's coordination with the Civilian Police Component has been strengthened. Teams of military observers are working with UNTAC Civilian Police in monitoring political rallies and gatherings throughout the country, and personnel from both components are assisting electoral staff with the civic education campaign. Security arrangements are now being finalized in order to provide for the fullest possible security during the polling both for static and mobile teams, especially in those parts of the country considered relatively unstable. In addition, in collaboration with the Civilian Police Component, the Military Component has concluded agreements for providing security for the polling period with the armed forces of the three factions which are in compliance with the peace process SOC, FUNCINPEC and KPNLF. The central feature of these arrangements is that the security of the polling stations and their vicinity will be provided by UNTAC alone. UNTAC will be solely responsible for all security measures to be taken in the immediate vicinity of a polling station, as well as United Nations personnel and property. The armed forces of the factions will be responsible for assisting UNTAC, conveying information on possible or actual threats to the election and ensuring security in the zones under their control.

38. The tightening of restrictions by NADK on UNTAC liaison personnel stationed in Pailin has been a matter of concern. For some time NADK has frequently confined the military observers and other staff to their houses while preventing UNTAC from resupplying them with fuel, preventing resupply by air and creating obstacles to their replacement and rotation. Despite my Special Representative's repeated protests to Mr. Khieu Samphan, President of PDK, these measures have not been relaxed. UNTAC has endeavoured to maintain their deployment in Pailin as long as possible while continuing its efforts to resupply them. However, these UNTAC personnel were withdrawn from Pailin on 30 April 1993. UNTAC is negotiating with NADK to open an alternate liaison channel at nearby Sok Sann.

3. Attacks on UNTAC personnel

39. Circumstances of incidents between 27 March and 19 April 1993 resulting in eight fatalities among UNTAC military and civilian personnel and responsibility for them have been described in the letter I addressed to the President of the Security Council on 26 April 1993 (S/25669). Since that letter was sent, UNTAC has reported, in respect of the incident of 8 April in Kompong Thom Province, that evidence appeared to rule out the involvement of any Cambodian faction as such. The incident of 27 March 1993 in which a Bangladeshi soldier was killed appears to be the first deliberate attack against UNTAC personnel.

40. As a result of these attacks all units of the Military Component in all locations were directed to increase vigilance and enhance their security measures and procedures. Instructions were issued forbidding the approach to UNTAC positions by unknown armed men. The Military Component has been reinforcing its defensive positions all over Cambodia, particularly in Siem Reap and Kompong Thom Provinces. These positions have been expanded to allow the construction of bunkers and overhead protection as well as firing bays, which are defensive pits from which soldiers can return fire. Where UNTAC assets are located in isolated locations, permanent guards and/or mobile patrols are used to improve the physical security of the premises. Security at UNTAC headquarters has also been strengthened by heightening the walls around the compound, tightening control over approaching traffic, improving the illumination along the walls and instituting better verification of the identification of visitors and staff. Military personnel, in cooperation with Civilian Police monitors, have also been manning checkpoints and roadblocks to confiscate illegally held weapons (see para. 84 below).

41. Since I reported on the incidents referred to in paragraph 39 above, I regret to say that several more attacks on UNTAC personnel have occurred. On 30 April, at about 9.30 p.m., in Kompong Cham Province, unknown armed assailants fired at an UNTAC vehicle carrying three Civilian Police Monitors. One Colombian officer was killed and a Malaysian officer was seriously injured. The latter has been evacuated to Kuala Lumpur for medical treatment. Also on 30 April at approximately 9 p.m., a detachment of the Uruguayan battalion in Kratie Province was attacked by unknown assailants and two Uruguayan soldiers were slightly injured. On 1 May at about 10.40 p.m., unidentified persons threw three hand-grenades at a Dutch battalion camp in Banteay Meanchey Province. One Dutch soldier was injured and evacuated to Bangkok. On 3 May, an UNTAC patrol consisting of two vehicles was ambushed in Kompong Cham Province and five

members of the Indian battalion were injured, one seriously. UNTAC investigation indicates that this attack was carried out by NADK. Since the beginning of UNTAC, 11 UNTAC civilian and military personnel have been killed as a result of hostile action. Thirty-nine others have died from other causes.

4. Withdrawal and non-return of foreign forces

42. Article VI of annex 2 to the Paris Agreements relates to the verification of the withdrawal from Cambodia and the non-return of all categories of foreign forces. This question is of particular significance to the implementation of the Paris Agreements because the Party of Democratic Kampuchea cites the alleged presence of "foreign forces", that is, Vietnamese forces, in Cambodia to justify its refusal to comply with its obligations under the Agreements.

43. In May 1992, acting under article VI as well as article X of annex 2 to the Paris Agreements, in accordance with which UNTAC is authorized to investigate violations on its own initiative, UNTAC established Strategic Investigation Teams (SITs) to follow up allegations of the continued presence of foreign forces in Cambodia. At that time, and repeatedly since then, UNTAC has called on the Cambodian parties to furnish it with verifiable information relating to foreign forces, and to provide liaison officers to facilitate UNTAC's investigation, as is required under the Agreements. No such information or cooperation has been received to date.

44. In my report to the Security Council dated 15 November 1992 (S/24800, para. 18), I stated that UNTAC had not found evidence that there were any formed units of foreign forces in Cambodia. This continues to be the case. The Government of Viet Nam has repeatedly stated that it had withdrawn its troops from Cambodia in September 1989.

45. On 10 December 1992, at the working session of the Supreme National Council, UNTAC issued an interim report on the work of the SITs stating that at that point none of its investigations had yielded conclusive evidence of the presence of foreign forces, but that it was continuing its work. The Cambodian parties were again urged to supply UNTAC with information on the presence of foreign forces, but none did so.

46. On 1 March 1993, UNTAC announced that three of the persons who had been under investigation by the SITs were Vietnamese and that they had served with the Vietnamese armed forces in Cambodia; they were, therefore, "foreign forces" within the meaning of the definition approved by SNC at its meeting on 20 October 1992. Two of the men were serving with CPAF and the third was a former member. All three had been issued identity cards by the Phnom Penh authorities. Therefore, UNTAC asked the Phnom Penh authorities to discharge the two still serving from their armed forces and to withdraw the identity cards of all three men. UNTAC also requested the Government of Viet Nam to accept the three men back as Vietnamese nationals, but the latter has so far declined to do so. A further four men have since been identified as "foreign forces" and the SIT investigations are continuing.

47. At the same time UNTAC has made the complexities of the situation as clear as possible. The three men originally identified were all married to Cambodian

women and had children, and there was no suggestion that they were in any way under the control of the Vietnamese authorities. The explanation of such considerations is considered necessary in view of the widespread popular resentment among Cambodians directed against Vietnamese nationals and Vietnamese-speaking persons. This resentment, which has its roots in the history of the relations between Cambodia and Viet Nam, has been deliberately and systematically whipped up not only by the Party of Democratic Kampuchea but also, to a lesser extent, by FUNCINPEC and KPNLF.

48. UNTAC has accordingly been at pains to make it clear that members of "foreign forces" as specified in the Paris Agreements, and with regard to whom UNTAC has specific responsibilities, are different from foreign residents and immigrants, e.g., persons who had migrated from Viet Nam to Cambodia for economic and other reasons. UNTAC has also made clear its view that persons born in Cambodia of Vietnamese descent, many of whom have lived in Cambodia for two or three generations, represent a separate category. UNTAC has no special responsibility under the Paris Agreements for foreign residents or immigrants and considers that these questions are long-term matters that can be resolved only by discussions between the future Government of Cambodia and the Government of Viet Nam. UNTAC has also publicly criticized what it considers to be racist utterances by some of the Cambodian parties and emphasized the responsibility of the local authorities to maintain law and order in the zones they control and to assure the safety and security of their citizens.

49. The aspects of this question that affect the environment in which elections are to be held are discussed in section K below on the creation and maintenance of a neutral political environment.

5. Engineering and rebuilding of infrastructure

50. Since the beginning of the mission, UNTAC's five engineering units, supplemented by the engineer platoons in 11 of the 12 infantry battalions, have been improving and restoring the roads, bridges and airfields which are indispensable for the safe and rapid movement of UNTAC personnel throughout the country. These operations have also greatly improved the infrastructure for the Cambodian population, particularly in the countryside.

51. The engineering units - from China, France, Japan, Poland and Thailand - have repaired hundreds of bridges and improved scores of kilometres of roads, as well as airfields at Pochentong (Phnom Penh) and Stung Treng.

6. Mine awareness and mine clearance

52. The Mine Clearance Training Unit (MCTU) teaches Cambodians to identify, locate and destroy land mines and to mark minefields. MCTU, which comprises 183 officers and men, also promotes mine awareness among the general public. Each of the eight national contingents in MCTU is organized into mine clearance training teams, which teach the courses, and mine clearance supervisory teams, which supervise the mine clearance work of the teams that have been trained. In the past year, the Unit has trained more than 2,000 Cambodians, of whom about 600 are actually employed in mine clearance activities, either directly by UNTAC

or by four non-governmental organizations (HALO Trust, Mine Awareness Group, Norwegian People's Aid and Handicap International) involved in mine clearance in Cambodia. The main barrier to employing more trained mine-clearance staff is the shortage of supervisory teams.

53. In the past year, MCTU has been instrumental in clearing more than 1.6 million square metres of land and disposing of more than 15,000 mines and other pieces of unexploded ordnance. The Unit has also addressed schoolchildren and villagers throughout the countryside and lectured UNTAC military and police personnel on mine awareness and mine avoidance. None the less, 17 UNTAC staff have been injured because of mines or other types of ordnance since the beginning of the mission, and numerous Cambodians continue to suffer injuries.

54. As noted in my third progress report (S/25124, para. 83), the Governing Council of the Cambodian Mine Action Centre (CMAC) held its first meeting on 4 November 1992 and adopted the short-term plan of operations. The Governing Council met again on 16 March 1993 to consider its work to date and the problems still to be faced.

55. UNTAC is now working to "Cambodianize" CMAC in order to equip it to function after the end of the UNTAC mandate. Five Cambodians have already been recruited to commence training on the computer-assisted mine database, and the recruitment of Cambodians to take eventual responsibility for the four main branches, information and policy, operations, training and administration, is now proceeding.

56. The other major priority is fund-raising. CMAC will not be able to fulfil its intended role as Cambodia's national mine-clearance body independent of UNTAC's financial and institutional support unless international funding is made available as a matter of urgency. A document outlining the financial requirements for CMAC's short-term plan of operations has been widely distributed among the donor community, but the response so far can only be described as disappointing. Mines pose a grave and long-term threat to the well-being of the Cambodian people. I appeal strongly to the international community to render assistance in this area.

F. Civil Administration Component

1. General

57. Since my last report, the most significant development in the exercise of UNTAC civil administration control over the five areas specified in the Paris Agreements - foreign affairs, national defence, public security, finance and information - has been the activity of the Control Team, established in January 1993. The Control Team supplements the regular supervision that UNTAC exercises over the existing administrative structures, particularly outside Phnom Penh, which otherwise would tend to be inadequate because of the relatively small number of UNTAC personnel devoted to each province.

58. Each Control Team is headed by an Inspector assisted by representatives of the Military and Civilian Police components, staff from the Finance and Public Security Services of the Civil Administration Component and analysts and

interpreters from the Information/Education Division. They act on the basis of a Mission Order signed by the Deputy Special Representative of the Secretary-General and following an interview with the Provincial Governor. Their purpose is to verify if, at the provincial, district and village levels, the local administration is being conducted in a politically neutral manner during the electoral process. To achieve this purpose, the team exercises its right under the Paris Agreements to have unrestricted access to documents.

59. The Control Teams have carried out operations in zones controlled by SOC in the provinces of Kandal, Prey Veng, Takeo and Kompong Cham, and the translation and in-depth analysis of the documents made available to UNTAC by the local administration are now under way. A further operation was carried out in April in the FUNCINPEC zone at Ampil. Analysis of the SOC documents to which UNTAC has gained access indicates widespread and persistent use of the SOC state apparatus to conduct political campaign activities of the Cambodian People's Party (CPP) in which state employees - police, armed forces and civil servants - are mobilized for CPP electioneering. UNTAC is now undertaking an in-depth review of the documentary evidence of SOC's attitudes and practices towards opposition political parties, indigenous human rights organizations and repatriated refugees in order to coordinate appropriate responses.

60. As an initial step, Civil Administration staff have been instructed to try to prevent local authority officials from conducting political party activities during their normal working hours, to prevent the use of public buildings and local authority vehicles for partisan purposes and to emphasize the secrecy of the ballot.

2. Foreign affairs

61. In accordance with the declaration by the Supreme National Council that all Cambodian passports shared the same status as SNC passports, work began in January 1993 to endorse applicants' passports with the SNC seal to ensure equal treatment. By 1 April, some 9,000 passports, including diplomatic, ordinary and service passports, had been endorsed with the seal.

62. In coordination with the UNTAC Military and Civilian Police Components, the staff of the UNTAC Civil Administration Component have also assumed greater supervision and control over the various border functions, such as immigration, customs and the implementation of the moratoriums on timber, gems and minerals. As part of the civilian operation, a Border Control Unit has been established which will be responsible for liaison between UNTAC components and the existing administrative structures, civilian field operations, civilian logistical support and other activities. Efforts are now being made to recruit and deploy 30 border control officers to the checkpoints and to major immigration and customs centres to work with the military observers and civilian police already there.

63. During March 1993, UNTAC began a series of training seminars for Cambodian immigration and border control officers on the implementation of procedures agreed with the three parties cooperating with UNTAC.

3. Defence

64. In late January 1993, the leaders of the armed forces of the three factions complying with the Paris Agreements, CPAF, KPNLAF and the Army of National Kampuchea Independence (ANKI), signed the directive prepared by UNTAC regulating the political activity of military personnel. The three factions also signed early in 1993 similar directives on the political activity of members of the police force and civil administration, respectively. These directives are discussed in section K below. Also at the request of UNTAC, the SOC "First Vice-Minister of Defence", the highest-ranking officer responsible for political affairs, signed a directive in late February prohibiting the wearing of CPP insignia on uniforms and the display of CPP posters on military buildings.

65. In response to the spate of politically motivated intimidation and violence, much of which was attributed to soldiers of CPAF, in early February UNTAC established a system to bring to the attention of the SOC "ministry of defence" cases where CPAF members are alleged to have taken part in illegal activity. At the request of UNTAC, the "ministry" established a special committee to investigate these allegations, and by the end of March 1993 UNTAC had been provided with a list of CPAF personnel responsible for investigations into allegations of misconduct in each province and each unit. However, the "ministry" has admitted the guilt of its personnel in only a small number of cases and punishments are rare.

4. Public security

66. In early 1993 UNTAC began training magistrates and police officers of the existing administrative structures in the implementation of the Penal Code adopted by the SNC in September 1992 on UNTAC's initiative. This phase of training followed earlier phases in which about 200 judges, prosecutors and police officers of the three Cambodian parties complying with the peace process were trained in the Code during the latter part of 1992. The directive issued by my Special Representative in March 1993 prohibiting the illegal possession and carrying of weapons and explosives is discussed in paragraph 84 below.

67. In cooperation with the Human Rights and Civilian Police components, the staff of the Civil Administration Component are continuing a programme of regular prison visits designed to effect the implementation of the relevant provisions of the Penal Code. Some progress has been made in this area, principally in improvements to prison conditions. Through working with a major programme by the International Committee of the Red Cross (ICRC) to improve the water and sanitation services in the Phnom Penh and provincial prisons, marked improvements in the physical conditions of those prisons have been achieved.

68. Unfortunately, problems of the use of shackles in several provincial prisons and in police stations continue despite UNTAC's repeated attempts to end this practice. Problems with shortages of food continue to cause major concern in many of the provincial prisons. Physical mistreatment of prisoners remains a concern in a number of provincial prisons, and also in police cells.

69. A programme of bringing prisoners before the courts for determination of the legality of their detention has been commenced to endeavour to break the

control of the security forces over issues of detention. Applications for the release of prisoners held for long periods without trial have been made in Phnom Penh and in several provincial courts, although a lack of appellate courts hampers the effectiveness of this programme. Where appropriate, démarches to the existing administrative authorities are also made for the release of long-term prisoners.

5. Finance

70. Since the latter part of March 1993, the value of the Cambodian riel has become extremely unstable, with the exchange rate falling from about 2,500 riels to the United States dollar to more than 4,000. This instability has been accompanied by a steep rise in prices, particularly of rice, which now costs three or four times what it did before the slump in the riel. The fluctuations in the value of the riel cannot be attributed to any action or error on the part of the Phnom Penh financial authorities, whose operations are closely controlled and supervised by UNTAC; nor has UNTAC been able to ascertain the economic reasons for the fluctuations. However, it does appear that the other three Cambodian parties - PDK, FUNCINPEC and KPNLF - are unwilling to support the riel, whose collapse would have serious implications for the Phnom Penh authorities.

71. UNTAC's efforts to stabilize the riel, which is the currency used by the great majority of the Cambodian people, are, therefore, hampered by political considerations in that direct support for the currency would be seen as partiality towards the Phnom Penh authorities. On the other hand, the economic and social difficulties caused by rapid and severe inflation would obviously have negative implications for the environment in which elections are to be held, particularly given the damage already caused to that environment by the acts of violence described above. UNTAC has, therefore, taken measures to introduce additional rice supplies into the market to discourage hoarding and to bring down the price in an effort to avert social unrest. However, it may take some time to accomplish this.

72. The other important development in this field concerns negotiations for the loan to Cambodia pledged by the World Bank at the Tokyo Conference of June 1992. The Cambodian parties have failed to endorse the draft credit agreement despite UNTAC's repeated assurances that the loan would be politically neutral, it would have no effect on the electoral process, no money could be disbursed until the new Cambodian Government was in place, the new Government would have to endorse any agreement with the Bank and the loan was intended to benefit the Cambodian people as a whole and not one or another party. UNTAC has also pointed out to the Cambodian parties a substantial time-lag between the signing of an agreement and the actual financial transaction.

73. At its meeting on 10 April 1993, SNC, on the recommendation of UNTAC, adopted a financial control directive prepared by my Special Representative on the transfer of public assets in order to introduce orderly and transparent procedures into the process of privatization of property owned by the existing administrative structures.

74. In mid-February 1993, a week-long mission was sent by UNTAC to the zones administered by KPNLF and FUNCINPEC in northern Cambodia. Detailed financial reviews were conducted of all administrative activity and of bilaterally funded health programmes. These were found to be generally in order. Discussions were also undertaken with representatives of those two parties on logging, the petroleum embargo, customs, the proposed UNTAC procedure on the sale of public assets, the resettlement of returnees and other activities in their zones.

6. Information

75. Any assessment that the election had been free and fair would depend heavily on the perception that the political parties had fair access to the media. In addition to making its own television/video, radio and other information facilities available to the 20 parties contesting the election, UNTAC has also exercised its right to control the existing administrative structures directly in order to secure access for all parties to the public media facilities of the Phnom Penh authorities, and to the radio stations of the FUNCINPEC and KPNLF parties. My Special Representative accordingly issued a directive on fair access to the media during the electoral campaign setting out the responsibilities of UNTAC and the existing administrative structures in this respect, that is, primarily the media facilities of the Phnom Penh authorities.

76. In accordance with that directive, Radio UNTAC shall:

(a) Broadcast daily electoral programmes;

(b) Offer to every registered political party each week segments for the broadcast of political material;

(c) Allow a "right of response" where a political party, its candidate or official believes it has been unfairly attacked or its public statements misrepresented.

77. It was also agreed that the television station of the Phnom Penh authorities, TVK, would broadcast one hour a day of election-related material from UNTAC and the political parties, as is set forth in the directive.

7. Specialized control

78. In the sector of preserving cultural and historical monuments, the Steering Committee for the UNESCO Zoning and Environmental Management Plan for the Angkor area held its first meeting at Siem Reap in March 1993. A group of 23 technical experts is involved in developing the plan.

79. The Specialized Control Service has also established a Health Sector Technical Working Group to enable the four Cambodian parties to work together with international and United Nations agencies to resolve problems of health service delivery within the existing administrative structures.

G. Civilian Police Component

80. In mid-December 1992, following a steep rise in attacks with hand-grenades and automatic weapons against the offices of political parties, the UNTAC Civilian Police Component in collaboration with other UNTAC components launched a special operation to curb the attacks. All political party offices were regularly visited and checked by 24-hour Civilian Police patrols. There are now more than 600 offices, and it would not be possible for UNTAC with its limited resources to provide security for all of them. Protection methods have therefore been refined in close cooperation with the parties concerned. A list of 60 party offices considered to be most at risk was drawn up and the UNTAC Civilian Police and Military components provided protection, initially on a 24-hour-a-day basis and then during the hours of darkness only. Since then, no office thus guarded has been attacked and the number of attacks against offices in general declined markedly in February and the first part of March. However, as the political parties opened additional offices down to the commune and village levels, the number of attacks began to rise again.

81. Much of the daily work of the Civilian Police Component is focused on the main part of its mandate, namely, supervision or control of local police activities. At present, an important part of this work is the monitoring of political rallies and meetings during the campaign period. Since the opening of the electoral campaign on 7 April, about 200 political rallies and meetings have taken place in 16 of Cambodia's 21 provinces, primarily by the larger and better-organized parties. In nearly every case the organizing party complied with the United Nations Electoral Law and the related security regulations for the planning and conduct of the meeting. Not a single case of disruption or harassment of a meeting has been reported, nor has there been any clash between members of different parties.

82. Apart from the supervision of investigations carried out by local police, UNTAC Civilian Police have undertaken independently hundreds of investigations into serious crimes, particularly those which are considered to be politically or ethnically motivated. In about 60 to 70 per cent of cases such allegations turn out to be groundless. In others the investigations are inconclusive because of the inadequate state of the local authorities' public security structures in much of the countryside. In a number of cases, as discussed below in section K, the Special Prosecutor has enough evidence to issue a warrant. Where the crime involves political or ethnic considerations, my Special Representative also raises the matter in the Supreme National Council and, where appropriate, in private meetings with and letters to the leaders of the Cambodian parties concerned. However, as noted below, crime control activities are hampered by the lack of a functioning court system in any of the zones to which UNTAC has access, as well as by the poor conditions in the prisons.

83. Preparations are also being made to contribute to the security arrangements for the election, when UNTAC Civilian Police monitors will be present at all polling stations.

84. UNTAC Civilian Police personnel have also been closely involved with other UNTAC activities relating to the establishment and maintenance of acceptable conditions for the conduct of free and fair elections, and this matter is examined in more detail in section K below. To this end, my Special

Representative signed on 17 March 1993 a directive prohibiting the possession and carrying of firearms and explosives by unauthorized persons. After a three-week amnesty during which such persons were permitted to hand in prohibited materials, offenders were to be subject to terms of imprisonment and to the confiscation of weapons and explosives in their possession. The directive has proved very effective as a crime control measure both in Phnom Penh and in the provinces. Joint checkpoints manned by UNTAC Civilian Police and the local police since 5 April 1993 have resulted in the confiscation of a total of 71 high-powered firearms such as AK-47 rifles, 65 low-powered firearms such as pistols and revolvers, 7 rocket launchers and hundreds of rounds of assorted ammunition. In Phnom Penh, 14 random checkpoints are mounted each day and an average of about 15 firearms are confiscated each week. These are stored for a time to enable the holders to justify their possession by producing documents and, if this is not done, eventually destroyed. This has led to a significant decrease in reported crime in Phnom Penh. Serious crimes of all kinds, including murder, rape, armed robbery, the causing of explosions and the illegal discharge of firearms, totalled 66 in January and rose to 82 in February. In March the total fell to 65, and the April total was 35.

85. In accordance with paragraph 123 of the implementation plan (S/23613) and in order to ensure effective supervision by UNTAC of the police forces of the parties, the Civilian Police Component undertook a comprehensive study of the size, organization and equipment of the police forces of the three Cambodian factions complying with the peace accords. No access has been granted to the zone controlled by PDK. It was confirmed that the two smaller parties, FUNCINPEC and KPNLF, have limited operating police forces, while SOC has some 48,500 police officers, though inadequately trained and equipped.

86. Since the beginning of the mission the Component has provided training for the local police. It has conducted courses in basic training, operational training, traffic control, human rights, criminal law, criminal investigation, the roles of UNTAC and the Civilian Police Component, crime prevention, demonstration and riot control and the code of conduct. This training, which is ongoing, has taken place both in Phnom Penh and the provinces, and has to date involved some 2,000 SOC police officers.

87. As indicated in the third progress report (S/25124, para. 78), UNTAC Civilian Police have also been engaged in providing basic police training for the other factions. This training took place in Ampil and Osmach in the FUNCINPEC zone and in Thmar Pouk in the zone controlled by KPNLF. To date, more than 450 police officers have successfully completed their training courses, including 28 from PDK. The first police instructors' course for these three factions began in the UNTAC Khmer Police Training School in Thmar Pouk during April 1993.

H. Repatriation Component

88. The movement phase of the repatriation of some 365,000 Cambodian refugees and displaced persons from camps on the Thai border and elsewhere will have been completed by the end of April 1993. On 30 March 1993, exactly one year after the operation commenced, the United Nations High Commissioner for Refugees, Mrs. Sadako Ogata, presided over the official closing ceremony at the largest

and last of the refugee camps, Site 2. The few thousand remaining refugees and displaced persons have now been repatriated, with the exception of about 600 who have refused to be repatriated. The Government of Thailand informed UNTAC that they would be deported.

89. The monthly rate of return rose from 4,000 in April 1992 to 20,000 in June 1992. By July, some 30,000 Cambodians were returning home each month. Although the rains made travelling conditions difficult, this was largely overcome by the use of rail and, in some cases, waterways. The rate of return rose to 35,000 a month by November and reached a peak of 40,000 in the months of January and February 1993. Though the great bulk of the returnees came from Thailand, some 2,000 were also repatriated from Indonesia, Viet Nam and Malaysia.

90. With respect to the reintegration sites within Cambodia, all four Cambodian parties have scrupulously respected the freedom of choice of the returnees. Most people chose to settle in areas controlled by the Phnom Penh authorities. Of the rest, about 33,000 chose to settle in the KPNLF zone, while several thousand settled in the PDK and FUNCINPEC zones. More than half of the returnees have settled in the northern provinces of Banteay Meanchey and Battambang, while many others have settled in Siem Reap, Kandal and Pursat provinces.

91. In addition to rations for 400 days and a domestic kit, returnees had the choice of several forms of assistance, including agricultural land, a housing plot and a cash grant in lieu of building materials. Most returnees, some 88 per cent, chose the cash grant.

92. In order to assist in reintegration, the Office of the United Nations High Commissioner for Refugees (UNHCR), the lead agency for repatriation, together with UNDP and various non-governmental organizations, implemented more than 60 quick-impact projects (QIPs) to help communities absorb the returnees. These include road and bridge repair, mine clearance, agricultural development, digging of wells and water ponds and improvement and construction of sanitation, health and education facilities.

93. Since electoral registration began in October 1992, all eligible returnees were given the opportunity to be registered for elections on their return to their homeland, either in their final destination along with the local population or in the six reception centres. In January 1993, as the deadline for the end of the electoral registration period was approaching, a special arrangement was made between the Repatriation and Electoral components to enable registration of the remaining eligible population in the border camps. They were temporarily "listed" in Thailand during the month of January and received their registration cards upon return to Cambodia.

94. In cooperation with other UNTAC components, United Nations agencies and non-governmental organizations, UNHCR has established a country-wide mechanism for monitoring the condition of returnees. The main objective is to survey the security situation as well as the reintegration of returnees. Information will be collected by UNHCR coordinators in Cambodia who will analyse the information and try to address any problems that have arisen. With a view to the gradual phasing out of UNHCR international staff in the months ahead, the intention is

to "Cambodianize" the system, using trained Cambodians in the near future. The training of such staff is currently progressing.

I. Rehabilitation Component

95. During 1992, the Supreme National Council, acting on the recommendation of UNTAC, approved a total of 35 rehabilitation projects worth $340 million. Since the beginning of 1993, SNC has approved a further 10 projects worth about $26 million. However, by March 1993 only about $100 million of the $880 million pledged at the Ministerial Conference on the Rehabilitation and Reconstruction of Cambodia held at Tokyo in June 1992 had been disbursed.

96. The Donors' Meeting held at Phnom Penh on 25 February 1993 reaffirmed donors' commitments to the principles for rehabilitation and reconstruction made at the Tokyo Conference. Donors reiterated the pledges they had made at that conference and expressed their desire to address Cambodia's immediate needs. They declared their willingness to speed up disbursements over the pre-election period. More than 30 donors, including international and non-governmental agencies, are implementing their assistance programmes with disbursements scheduled over the next few months in key sectors such as health and education. Support is also being provided for institutional capacity-building with UNTAC's Rehabilitation Component and the Economic Adviser's Office preparing seminars and training programmes in priority areas of public sector management and civil service reform, investment planning and natural resource development.

97. Part of the rehabilitation support was a $75 million International Development Association emergency rehabilitation credit from the World Bank for health, education, transport, agriculture and public utilities. At the working session of SNC held on 8 December 1992 an aide-mémoire concerning the proposed loan was approved and it was decided that negotiations should open immediately with the World Bank to take up the loan. However, despite protracted and intensive negotiations it has since become clear that the Cambodian parties are unable to reach a meeting of minds on the credit agreement. In order to break the stalemate the matter was again brought to the plenary of SNC at its meeting on 4 April 1993, but no decision was reached.

98. The Rehabilitation Component, in close coordination with UNTAC military observers, Civil Administration and Civilian Police personnel deployed at border checkpoints, has continued to monitor the extent of compliance with the SNC moratorium on the export of timber adopted on 22 September 1992. The figures available show a continued decline in the number of violations and the quantity of logs exported, as follows:

Month	No. of violations	Volume of timber (in cubic metres)
January	46	48,049
February	11	12,370
March	5	2,345

99. In all five cases the faction responsible for the violation was the SOC. It should be made clear, however, that UNTAC still has no access to the zones controlled by PDK, nor is it permitted to station observers on the Thai side of the border to monitor violations that may be occurring in those zones.

100. On 10 February 1993, in addition to the 22 September 1992 moratorium on logs, SNC adopted supplementary measures aimed at discouraging further tree felling by reducing the volume of sawn timber allowed to be exported from Cambodia. It was agreed that the volume of sawn timber exported during the first five months of 1993 should not exceed five twelfths (5/12) of the absolute quota to be determined for 1993.

101. In the absence of a consensus among the Cambodian parties as to what that quota should be, my Special Representative determined that the overall forest exploitation target for the zone controlled by the State of Cambodia should be 215,000 cubic metres for 1993. This figure represents an overall decrease of 30 per cent from the 1991 level of forest exploitation, which was 309,891 cubic metres. Within this figure, the export of sawn timber for 1993 should not exceed 160,000 cubic metres.

102. At its working session on 9 March, SNC approved the UNTAC draft action plan on the implementation of the Declaration on Mining and Export of Minerals and Gems from Cambodia. The Declaration placed a moratorium on the commercial extraction of mineral resources on land and offshore and on the export of minerals and gems from Cambodia, effective 28 February 1993.

103. The Action Plan is to be implemented by the collection and dissemination of information, legislative measures, enforcement by the local authorities under UNTAC supervision and the support of the international community, particularly the countries adjacent to Cambodia. A special appeal has been made to the Government of Thailand to request the Thai-registered companies operating in Cambodia to cease operations and remove their equipment from the country. I personally took up this matter with the Foreign Minister of Thailand during my recent visit to Bangkok. However, response to this appeal is still awaited.

J. Information/education

104. A general overview of UNTAC's activities in this area was given in the third progress report (S/25124, paras. 70-71 and 91-93), while its efforts to ensure fair access to the media are addressed in paragraphs 75-77 above.

105. While, in accordance with paragraph 8 of resolution 810 (1993), the main emphasis of UNTAC's information/education efforts during the electoral campaign is on the secrecy of the ballot (and on the production of political party campaign material for broadcasting), UNTAC is prepared to respond flexibly to rapidly changing circumstances by adjusting its broadcast messages. These would concern, for example, the importance of the election for the future of Cambodia and the importance of voting for individual Cambodians and, in particular, the need not to be intimidated.

106. The recent establishment of radio relay stations has helped expand the audience and bring the UNTAC message to all parts of the country. This has been

supplemented by the distribution of hundreds of thousands of radios donated by the Japanese Government and Japanese non-governmental organizations.

107. In addition, UNTAC information videos on various aspects of the electoral process, including round-table discussions involving representatives of the 20 political parties contesting the election, have been shown on Phnom Penh television and distributed throughout the country. Though relatively few households outside the capital can receive Phnom Penh television directly, there is in most population centres a video parlour where villagers gather to watch videos and UNTAC provincial staff regularly give screenings of videos produced by UNTAC. Billboards to accommodate the posters of all the political parties have also been erected, as well as special banners and posters preparing voters for the election.

K. Creation and maintenance of a neutral political environment

108. A major challenge to the creation and maintenance of a neutral political environment has been posed by the various acts of violence and intimidation. At its working session on 9 March 1993, my Special Representative was obliged to inform the SNC that the election cannot be free and fair unless the basic minimum acceptable conditions are in place.

109. During the month of March about 100 persons, including many of Vietnamese descent, were killed in Cambodia. The victims included members of all four Cambodian parties. Though many acts of violence had apparent political or ethnic overtones, some killings had no identifiable motivation and took place in an environment where, after years of war, there is an oversupply of weapons and violence is only too common.

110. The deteriorating security situation has rendered difficult the investigation of politically and racially motivated violence in provinces such as Kampong Thom, Siem Reap, Banteay Meanchey and Battambang.

111. Warrants were issued by the UNTAC Special Prosecutor for the arrest of 12 people during the period under review. These include 7 CPAF officers wanted in connection with the abduction and subsequent disappearance of 4 FUNCINPEC members in Battambang, 2 SOC officials wanted in connection with the murder of a Buddhist Liberal Democratic Party (BLDP) member in Prey Veng, and an NADK officer wanted in connection with the massacre at Chong Kneas in Siem Reap.

112. Efforts to maintain a neutral political environment have also been hampered by the surveillance conducted by the authorities of the Cambodian parties at all levels aimed at identifying political opponents and the harassment and intimidation of perceived opponents. All three existing administrative structures to which UNTAC has access have been mobilizing their resources to promote political support. Such activity by the Phnom Penh authorities, by virtue of the larger resources at their disposal, is a matter of particular concern to UNTAC. My Special Representative has repeatedly complained about this practice and stressed that it militates against the freeness and fairness of the election.

113. Early this year, a series of directives prepared by UNTAC dealing with the issue of political activities by members of existing administrative structures was signed by the three Cambodian parties complying with the Paris Agreements. The Directives prohibit the use of members of the armed forces, the police force and civil administration, respectively, for partisan purposes and permit these persons to engage in political activity only if this is conducted outside working hours and out of uniform.

114. UNTAC has devoted considerable efforts to easing the restrictions on freedom of expression and on freedom of movement in many areas of the country. Freedom of association with political parties and human rights groups, particularly at the provincial and district levels, has also traditionally been restricted. In order to dispel the climate of fear and intimidation UNTAC has pressed for an active political campaign by all the duly registered political parties with fair access to the media and the right to hold public meetings and rallies in safety.

115. Three aspects of the current wave of violence are addressed in the following paragraphs: attacks on Vietnamese-speaking persons, including those born in Cambodia of ethnic Vietnamese descent; attacks on political party members and offices; and attacks on UNTAC military and civilian personnel.

1. Attacks on Vietnamese-speaking persons

116. On 10 March 1993 a group of some 20 armed men attacked a floating village at Chong Kneas, Siem Reap Province, inhabited primarily by Cambodian-born persons of Vietnamese descent who fish on the Tonle Sap lake, killing 33 people including 12 children. A further 24 people were injured in the attack, and two of the assailants were themselves killed. UNTAC investigations concluded that the attackers were members of an NADK unit led by a Mr. Loeung Dara. UNTAC issued a warrant for his arrest and my Special Representative wrote to Mr. Khieu Samphan, President of the Party of Democratic Kampuchea, requesting that he be surrendered to UNTAC custody. No reply has been received to that request.

117. On 24 March 1993 a group of 10-20 assailants attacked three fishing boats at Chnok Tru village, Kompong Chhnang Province killing five adults and three children. Investigations have revealed evidence of NADK involvement, but UNTAC has so far not been able to make any arrests.

118. On the night of 29 March 1993, in Phnom Penh, at least four premises frequented or owned by Vietnamese-speaking persons were attacked by unidentified persons in a coordinated manner with hand-grenades, resulting in two deaths and at least 20 injuries.

119. As a result of these attacks, several thousand members of the Vietnamese community in Cambodia, many of whom have lived there for two or three generations, began to migrate from their homes towards the Vietnamese border, many of them by boat down the Tonle Sap and the Bassac River. UNTAC naval units supplemented by armed marines closely monitored these movements on the rivers in order to ensure that the local authorities assumed their responsibility to protect the migrants. The UNTAC Civilian Police did the same on land.

120. Since the exodus began in late March, 21,659 ethnic Vietnamese persons had, as of 28 April 1993, been recorded crossing the border into Viet Nam at border checkpoints manned by UNTAC personnel. It is not known how many more may have crossed at illegal or unmanned crossing points. The movement, however, has now been considerably reduced.

121. On 5 April 1993 Mr. Vu Khoan, Vice-Minister of Foreign Affairs of Viet Nam, met with my Special Representative and conveyed to him the profound disquiet of his Government at what he described as the acts of sabotage of the Paris Agreements and the terrorist acts directed against Vietnamese-speaking persons by the Party of Democratic Kampuchea. He vigorously condemned the massacres that had taken place. The Vice-Minister urged UNTAC to take all possible measures to ensure the security of the Vietnamese population in Cambodia.

122. My Special Representative informed the Vice-Minister of UNTAC's determination to do all in its power to put an end to violence in Cambodia. However, it was made clear that the primary responsibility for the protection of civilians in the zone controlled by the Phnom Penh authorities rested with those authorities. UNTAC would do its utmost to ensure that they complied with their responsibilities, but UNTAC's own resources were insufficient to provide full protection to the Vietnamese population while at the same time carrying out their priority task of protecting the electoral process. UNTAC also explained its position on foreign forces, foreign residents and immigrants, and persons born in Cambodia of foreign ancestry, as well as its efforts to maintain the distinction between those three categories.

123. During my visit to Viet Nam on 11 and 12 April 1993, I discussed the matter with the Government and stated that UNTAC would do its utmost to ensure the protection of the ethnic Vietnamese community in Cambodia. UNHCR is also taking all necessary precautions to help Viet Nam should there be an influx of ethnic Vietnamese from Cambodia.

2. Attacks on political party members and offices

124. Since political party activity began in September 1992, party members have been subjected to various kinds of threats, intimidation and violent attacks. On the basis of complaints made by political parties as well as reports from UNTAC components, UNTAC has kept records on various forms of interference with political activity, including allegations of harassment and intimidation as well as murders and armed attacks. Verbal threats and intimidation, including such acts as tearing down posters and notice-boards, have also occurred. Verbal threats are taken seriously because experience has shown that such threats are often carried out. Many of these attacks and incidents have been attributed to members or supporters of SOC.

125. During the first part of March there was a slight downward trend in politically motivated attacks in comparison with the number of incidents recorded during the corresponding period in February. However, the latter part of March was marked by a comparative increase in the number and the violent character of such incidents.

126. Efforts to gather, classify and interpret information on attacks alleged to be politically motivated are made difficult by the second-hand or unreliable nature of many of the allegations, the inadequacy of record keeping by the local authorities and the inadequate resources available to UNTAC to investigate and follow up allegations that are made. None the less, it can be said that the level of politically motivated violence has fallen since the high point reached in December 1992, that the level for the month of April so far tends to indicate a further fall and that this decline can be attributed at least in part to efforts directly undertaken by UNTAC as well as actions taken by the local authorities at UNTAC's urging. Whether that apparent improvement is real, and whether it can be sustained during the election campaign, has yet to be seen.

3. Attacks on UNTAC military and civilian personnel

127. Details of the incidents that resulted in the death of UNTAC civilian and military personnel are contained in the letter of 26 April 1993 which I addressed to the President of the Security Council in response to a request made in the statement of the President on the safety and security of UNTAC staff issued on 5 April 1993 (S/25530). Since then, evidence gathered in UNTAC's investigation of the killing of an UNTAC district electoral supervisor and his interpreter on 8 April appears to rule out the involvement in this incident of any Cambodian party as such and indicates that the motive for the killings may have been connected with decisions made in the recruitment of local electoral staff. UNTAC has not yet been able to determine the precise responsibility for this act, and investigation is continuing on an urgent basis.

128. During my visit to Cambodia on 7 and 8 April, I issued an urgent appeal for an end to violence. This was reiterated by my Special Representative at the SNC meeting on 10 April 1993, as well as by the Ambassadors to SNC of countries particularly concerned with the Cambodian situation.

129. Prince Sihanouk issued a strong declaration demanding of his "armed compatriots" that they refrain from acts of violence against UNTAC. That declaration was endorsed in writing by representatives of SOC, KPNLF and FUNCINPEC, but PDK declined to endorse it.

II. CONCLUDING OBSERVATIONS

130. The members of the Security Council are aware of the scope of the Paris Agreements on Cambodia, and of the complexities of the peace process which have been accentuated due to the attitudes and actions of certain signatories. Consequently, it has not proved possible to implement fully all aspects of the Paris Agreements in accordance with the implementation plan which I submitted to the Security Council in February 1992 (S/23613). The non-cooperation of the Party of Democratic Kampuchea has persisted and all efforts by the Security Council, by UNTAC and by others to persuade it to assume the responsibilities it undertook in signing the Agreements have been unavailing. The PDK's refusal to open its zones to UNTAC and to canton and disarm its troops as it had committed itself to do led to the suspension of the demobilization of the armed forces of the other three factions. SOC and CPAF personnel have also taken part in politically motivated attacks against opposition parties in order to intimidate

them. Moreover, the massacres of Vietnamese-speaking persons and deliberate attacks on UNTAC members reflect the growing hostility of PDK to the peace process and to the elections. Though cease-fire violations are generally on a small scale and though UNTAC has achieved some successes in reducing political violence, the election will clearly not be taking place in an environment as disarmed and politically neutral as was envisaged in the Paris Agreements and in the implementation plan.

131. These conditions have naturally given rise to serious concerns as to whether or not the election could or should proceed, and to what extent its results could be said to reflect the free expression of the will of the Cambodian people. If it is to go forward, as I believe it must, consideration has to be given to how it can be conducted most democratically and with the least possible risk to Cambodian and international electoral staff.

132. The Cambodian people as a whole have shown that they desire an election. Nearly 5 million Cambodians, or about 96 per cent of the eligible population, registered to vote in the registration exercise UNTAC conducted between October 1992 and January 1993. Twenty political parties completed the formalities for registration to compete in the election and in so doing have undertaken to accept the results. This is strong evidence of commitment to the electoral process. More convincing still is the evidence, as noted above, that tens of thousands of Cambodians throughout the country are engaging peacefully in public meetings and political rallies without violence or clashes. The three Cambodian parties cooperating with UNTAC, too, have pledged themselves to accept the election results.

133. It is clear, therefore, that the United Nations is called upon to do its utmost to proceed with the election. To do otherwise would be to neglect a duty to the Cambodian people that has been entrusted to the United Nations by the international community through the Paris Agreements and the Security Council. Not to proceed would mean ceding to unacceptable threats and giving the right of veto over the peace process to an armed group that has rejected its commitment under the Paris Agreements.

134. It is equally clear, however, that the election will not be proceeding in the way originally envisaged. The events since March make it prudent to assume that further violence is likely against individual Cambodians, against political parties and against UNTAC personnel. The danger is that such attacks will have an impact on the voter turnout. UNTAC has been tightening security measures in the provinces most affected. However, such measures could also lower the turnout, yet cannot assure the complete safety of voters or of local and international staff if armed and violent individuals are determined to hinder the election.

135. As noted in paragraph 2 above, resolution 810 (1993) of the Council requests the Secretary-General to report in the context of the fourth progress report on any further measures that may be necessary and appropriate to ensure the realization of the fundamental objectives of the Paris Agreements.

136. In my report of 15 November 1992 (S/24800, para. 31), I had proposed that, given the altered conditions for UNTAC's operation, the level of deployment of its Military Component, which under the original implementation plan was to have

been reduced after the completion of the cantonment and demobilization process, should be maintained until the election. Further, in my report of 13 February 1993 (S/25289 para. 44), I had indicated my intention, in due course, to present appropriate recommendations to the Security Council on the level of deployment of UNTAC's Military and Civilian Police Components that would be needed for the remainder of the transitional period. As the members of the Security Council are aware, that level would depend to a significant extent on the outcome of the election and the conditions that would prevail after the election, and it would not be possible to make an adequate assessment at this time. It would therefore be my intention to submit to the Security Council after the election a further report on the activities of UNTAC including my assessment and recommendation on this subject. Pending that report, I again propose that UNTAC's Military and Civilian Police Components be maintained at the present level.

137. It has become quite evident that some of the Cambodian parties that signed the Paris Agreements have been less than consistent in applying those Agreements and have not given UNTAC the cooperation required under them. I therefore think it worth restating that the primary responsibility for implementing the Agreements rests squarely on the Cambodian parties themselves. This includes the obligation of each of the parties to maintain security in the zones it controls and to contribute to the creation and maintenance of a neutral political environment. The State of Cambodia must prevent or punish politically motivated crimes committed in its zone and desist from using the State apparatus for party political ends. The Party of Democratic Kampuchea risks international and internal isolation if it is seen to have attempted to disrupt the Cambodian elections. That Party must also be held responsible for the attacks it has carried out against Cambodians, including those of Vietnamese ancestry, and against UNTAC personnel, as well as for any future attacks it may carry out. The Parties of FUNCINPEC and KPNLF must persist in their determination to campaign peacefully without giving in to intimidation.

138. If the holding of a free and fair election in Cambodia is a test for the United Nations, it is also a test for Cambodians themselves. Neither peace nor elections nor national reconciliation can be imposed by force, nor indeed is UNTAC mandated or equipped to use force. As I have remarked in an earlier report, Cambodian parties cannot expect the international community to succeed where they themselves fail.

139. Under the circumstances, the United Nations faces a difficult decision. One alternative is to proceed with the best possible election under imperfect conditions, in the knowledge that that is what the majority of Cambodians desire and in the hope that the authentic voice of Cambodia will be heard and obeyed. The other choice would be to declare that the basic acceptable conditions for free and fair elections do not exist in Cambodia because of the climate of violence and hostility, and because violence may worsen further after the elections, whatever the results.

140. Taking all these circumstances into consideration, there is no doubt in my mind that UNTAC must continue to carry out its mandate as well as it can. It must do so with all caution and prudence and with the greatest possible concern for the safety of its own staff and the well-being of Cambodians. It may well be, in the light of the sobering experience of the last 13 months, that the

expectations originally entertained for ensuring that the election is free and fair and for the success of national reconciliation were overly optimistic. Nevertheless, given Cambodia's recent tragic history, it would probably be neither realistic nor fair to hold it to prevailing standards in stable democratic countries. Conditions for an election in Cambodia have never been perfect and may not be so for a long time, any more than they are in many other countries. That is no reason to hold back an election which, after all, is not the end of the process of Cambodia's renewal but the beginning.

141. In the last analysis, it is on the shoulders of the Cambodian people and the Cambodian parties, which are members of the Supreme National Council and signatories of the Paris Agreements, as well as the political parties taking part in the election, that responsibility for Cambodia's future rests. The situation in Cambodia remains uncertain and the way ahead for the peace process and for UNTAC will not be smooth. Nevertheless, UNTAC will continue to do its utmost to assist the Cambodian people in carrying out their obligations under the Paris Agreements and achieving a future of peace, stability and self-determination.